

**MINUTES  
BOARD OF HEALTH  
TOWNSHIP OF CHATHAM  
JANUARY 9, 2007**

The regular meeting of the Board of Health was called to order by James Brown at 7:35 p.m.

Answering present to the roll call were Mr. Hartford, Mr. Newby, Mr. Nachtigal, and Mr. Brown. Dr. Marano was absent. Attorney Taormina was also present.

**Adequate notice** of this meeting of the Board of Health was given as required by the Open Public Meetings Act as follows: Notice was given to both the Chatham Courier and the Morris County Daily Record on January 12, 2006; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 12, 2006; and notice was filed with the Township Clerk on January 12, 2006.

**Selection of Board of Health President**

Mr. Brown called for nominations for Board of Health President for the year 2007. Mr. Nachtigal nominated Jim Brown as President. Mr. Newby seconded the nomination and it carried unanimously.

**Selection of Board of Health Vice President**

Mr. Brown nominated Mr. Nachtigal as Board of Health Vice President for 2006. Mr. Newby seconded the nomination and it carried unanimously.

**RESOLUTION BH-2007-1**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM,  
IN THE COUNTY OF MORRIS, NEW JERSEY, APPOINTING ATTORNEY  
FOR THE BOARD FOR THE YEAR 2007.**

**WHEREAS**, after consideration, the Board of Health of the Township of Chatham has determined to engage the services of Marisa A. Taormina, Esq. as attorney for the Board for the calendar year 2007.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. Marisa A. Taormina, Esq. is hereby appointed as the attorney for the Board of Health for the calendar year 2007. The compensation for the services performed shall be within the amount provided in the 2007 Budget for the Board of Health legal services.
2. This contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(a) (a) (i), and notice of the award shall be published as required by law.

Mr. Brown moved to adopt Resolution BH-2007-1. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2007-2**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM  
IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING REGULAR  
MEETING SCHEDULE FOR THE BOARD OF HEALTH DURING 2007**

**WHEREAS**, the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq. requires that public bodies provide adequate notice of meetings;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Health of the Township of Chatham in the County of Morris, New Jersey, as follows:

- 1) During the calendar year 2007 meetings will be held by the Board of Health to discuss or act upon public business at 7:30 p.m., prevailing time, at the Municipal Building on the following dates: February 13, March 13, April 10, May 8, June 12, July 10, August 14, September 11, October 9, November 13, December 11, and January 8, 2008.
- 2) Certified copies of this Resolution shall be (a) mailed to The Chatham Courier, (b) mailed to the Morris County Daily Record, (c) filed with the Municipal Clerk of the Township of Chatham, (d) posted on the bulletin board in the main hallway of the Municipal Building, and (e) mailed to any person requesting notices of the meetings of the Board of Health, pursuant to N.J.S.A. 10:4-19 who has paid the required fee theretofore. The foregoing shall be accomplished within (7) days of the adoption of this Resolution.

Mr. Brown moved to adopt Resolution BH-2007-2. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2007-3**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM  
AUTHORIZING APPLICATION FOR STATE AID FOR HEALTH SERVICES**

**WHEREAS**, N.J.S.A. 26:2F-1 et seq., provides that State Aid for health services shall be provided annually and shall be made available for distribution by the State Department of Health to local health agencies in amounts and in accordance with the criteria and the formula for distribution provided and set forth in said statute; and

**WHEREAS**, the Township of Chatham Board of Health is desirous of receiving an equal share of the funds allocated for health services for the period of January 1 through December 31, 2007, for certified health services as prescribed by statutory law;

**NOW, THEREFORE BE IT RESOLVED** by the Board of Health of the Township of Chatham as follows:

1. That said Board does hereby request the State Department of Health to make available to the Board of Health of the Township of Chatham the maximum amount to which said Department is entitled to receive as its equal share of money to be allocated as aid toward rendering health services during the period January 1 through December 31, 2007, as authorized by N.J.S.A. 26:2F-1 et seq., and
2. That John Theese, the Health Officer of the Borough of Madison, is hereby instructed and authorized to complete and execute the necessary application forms for such State Aid and to forward same, together with a certified copy of this resolution, to the State Department of Health.

Mr. Brown moved to adopt Resolution BH-2007-3. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2007-4**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM  
IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING NEWSPAPERS  
AND FIXING CHARGES FOR NOTICES OF PUBLIC MEETINGS OF SAID  
BOARD OF HEALTH DURING 2007**

**WHEREAS**, the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq., be given of meetings of public bodies as therein defined and in the manner therein set forth;

**NOW, THEREFORE BE IT RESOLVED** by the Board of Health of the Township of Chatham in the County of Morris, New Jersey, as follows:

1. THE CHATHAM COURIER and THE MORRIS COUNTY DAILY RECORD are hereby designated for the calendar year 2007 as the two newspapers to receive notices of meetings of the Board of Health as required by any and all sections of the Open Public Meetings Act, it appearing that these newspapers are the most likely to inform the local public of such meetings.
2. The public place for posting of notices of meetings of the Board of Health for the calendar year of 2007 shall be on the bulletin board in the main hallway of the Municipal Building.
3. The sum of \$10.00 is hereby fixed as the fee to be paid by any person requesting that notices of the meetings of the Board of Health during the calendar year 2007 be mailed to such persons as specified in R.S.40:4-19, provided, however, that no charge shall be made to any newspaper requesting the mailing of notices to its business office.
4. Certified copies of this Resolution shall be mailed by the Secretary of the Board of Health to THE CHATHAM COURIER and the MORRIS COUNTY DAILY RECORD, and a certified copy shall be filed with the Clerk of the Township of Chatham.

Mr. Brown moved to adopt Resolution BH-2007-4. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2007-5**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF  
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,  
APPOINTING JOY M. WILEY BOARD SECRETARY**

**WHEREAS**, the Board of Health of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Joy M. Wiley as Board Secretary for the period commencing January 1, 2007 and ending December 31, 2007.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Health of the Township of Chatham as follows:

1. Joy M. Wiley is hereby appointed as Board Secretary for a term commencing January 1, 2007 and terminating December 31, 2007.
2. The compensation to be paid to Joy M. Wiley for services rendered to the Board shall be an annual salary in accordance with the Salary Resolution of the Township of Chatham.

Mr. Brown moved to adopt Resolution BH-2007-5. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**RESOLUTION BH-2007-6**

**RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM  
IN THE COUNTY OF MORRIS, NEW JERSEY, REQUESTING EXECUTION  
OF AN AGREEMENT BETWEEN THE TOWNSHIP OF CHATHAM AND  
THE BOROUGH OF MADISON FOR HEALTH SERVICES FOR 2007.**

WHEREAS, the Board of Health of the Township of Chatham is desirous of continuing a contract with the Board of Health of the Borough of Madison for furnishing health services of a technical and professional nature;

WHEREAS, the Program Proposal for Health Services January 1 - December 31, 2007 meets the Board's approval,

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham that said Board hereby requests that the Township Committee of the Township of Chatham enter into an agreement with the Board of Health of Madison for the rendition of services to this Board and to the inhabitants of the Township of Chatham during the year 2007.

The Board discussed the fact that this was the first year of a three-year contract with the Madison Board of Health.

Mr. Brown moved to adopt Resolution BH-2007-6. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

#### **RESOLUTION BH-2007-7**

#### **RESOLUTION OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING A CONTRACT WITH METCALF & EDDY, INC. FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES**

WHEREAS, the Board of Health of the Township of Chatham requires professional consulting engineering services in connection with the review of applications submitted to the Board for permits and other approvals;

WHEREAS, the firm of Metcalf & Eddy, Inc. has been rendering professional consulting engineering services to the Board for such purposes;

WHEREAS, a proposed contract for professional consulting engineering services for the calendar year 2007 has been submitted to the Board by Metcalf & Eddy, Inc. in the form marked "Appendix A" and attached to the Resolution, and such proposed contract is acceptable to the Board;

WHEREAS, funds will be available for payment for the services rendered by Metcalf & Eddy, Inc. to the Board, such funds being available through technical review fees charges to applicants and/or through funds appropriated for Board operations in the 2007 Township of Chatham budget; and

WHEREAS, the Local Public Contracts Law requires that public notice be given of the award of any contract for professional services without competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. A contract for professional consulting services during the calendar year 2007 is hereby awarded to Metcalf & Eddy, Inc. such contract to be as set forth in "Appendix A" attached to this Resolution.

2. The President of the Board of Health is hereby authorized and directed to execute on behalf of the Board the contract awarded by Paragraph 1 of this Resolution, and the Secretary of the Board is hereby authorized and directed to attest such contract.

3. The award of contract pursuant to this Resolution is made without competitive bidding in accordance with the professional service provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i).

4. Notice of this contract award shall be published by the Secretary of the Board as required by law.

5. A certified copy of this Resolution shall be forwarded by the Secretary of the Board to Metcalf & Eddy, Inc.

Mr. Brown explained that Metcalf and Eddy's contract was identical to last year's except for the date.

Mr. Brown moved to adopt Resolution BH-2007-7. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

**Approval of Minutes**

Mr. Brown moved to approve the minutes of November 14, 2006. Mr. Nachtigal seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Abstain; Mr. Nachtigal, Aye; Mr. Brown, Aye.

Mr. Brown noted the Board had received the summary of septic system reviews from Metcalf & Eddy, Inc.

**Reports**

Registered Environmental Health Specialist- R.E.H.S. Ben Samara distributed the monthly reports for November and December 2006. Mr. Samara indicated all the retail food establishments were inspected at least once in 2006 and in most cases twice. Mr. Samara advised he had received a complaint about debris at a house on Meyersville Road. This issue was still pending. With regard to retail food inspections, Mr. Hartford suggested that a copy of the certificate of inspection at ShopRite be placed in a very visible location, possibly under a glassed bulletin board. Mr. Samara said he would follow up that it is in a conspicuous place and at eye level in accordance with state code. Mr. Samara said he has been involved with a mold complaint at Heritage Green and that the case would be decided in court. Health Officer John These explained there are no standards, but mold can be a public health issue. Mr. Samara also reported the problem with debris at a house on Fairmount Avenue has been an ongoing concern and there is now a dumpster on the property.

Registrar Report- Mrs. Wiley reported the following licenses were issued in November:

14 Certified copies of Marriage Licenses	\$105
2 Marriage Licenses	<u>56</u>
Total	\$161

During the month of December, the following licenses were issued:

18 Certified copies of Marriage Licenses	\$130
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Mrs. Wiley advised they would be attending classes in February concerning the new Civil Union Law.

Mr. Brown moved to accept the reports. Mr. Newby seconded the motion and it carried unanimously.

Health Officer John These was present to discuss Chatham Township’s Annual Report. Copies of the local health evaluation report were distributed to the Board. Mr. These noted there are fewer people attending the Child Health conferences, however the number of reportable disease reports has increased. Mr. These mentioned that there is lot of time now spent with health education in the school system and that the number of participants has also increased. Retail food inspections have increased from 48 in 2005 to 62 in 2006. Mr. These also advised that there is now a new retail food establishment code and more time will be spent on educating the food handlers about the differences between the old and new code. Inspections will therefore take more time. It was also noted that the supervisors of the retail food establishments would need to be certified. Mr. These advised he would provide an overview of this information at a later date.

Mr. Brown distributed copies of the results of Chatham Township’s 2006 Flu Clinic. Mr. These explained the number of people attending the flu clinics was a little less this year, however there were more residents going to Madison Health Department for a flu vaccine after the clinic.

**Introduction of Ordinances**

**ORDINANCE BH- 1-07**

**AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, REQUIRING LICENSING AND THE INOCULATION AGAINST RABIES OF CATS WITHIN THE TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATION THERETO**

**WHEREAS**, the Board of Health of the Township of Chatham, in the County of Morris, has determined that the spread of rabies to this area of New Jersey requires the adoption of certain regulations for the protection of the public health and welfare of residents of the Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

1. Definitions. For purposes of this ordinance the following terms shall have the meanings set forth below.

“Cat” shall mean and include any member of the domestic feline species, male, female or neutered which has attained the age of seven (7) months of which possesses a set of teeth.

“Certificate of Exemption” shall mean a certificate issued by a duly licensed veterinarian stating that because of an infirmity, other physical condition or regimen of therapy, the inoculation of a particular cat against rabies is deemed inadvisable.

“Owner of a cat” shall mean and include any person who has a right of property in or custody of a cat, who harbors or maintains a cat, or who knowingly permits a cat to remain on or about any premises occupied by that person within the Township of Chatham.

“Resident of the Township of Chatham” shall mean a person whose ordinary dwelling place is within the Township of Chatham.

2. Requirement for Inoculation of Cats against Rabies.

2.1 Every resident of the Township of Chatham who is the owner of a cat shall have and keep such cat inoculated against rabies through October of the year the license of said cat is issued, unless a certificate of exemption issued to such cat is currently effective.

2.2 All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization, published by the National Association of State Public Health Veterinarians.

3. Requirements for licensure of cats.

3.1. Any person who shall own, keep or harbor a cat of licensing age (seven months) shall annually, in January, apply for and procure from the Animal Licensing Clerk a license and official metal registration tag for each cat owned, kept or harbored. License tags are not transferable.

3.2 Whenever any person commences to own, keep or harbor a cat of licensing age after January 31<sup>st</sup> in any year, that person shall comply with the aforesaid licensing requirement within ten (10) days after the cat is acquired or becomes of licensing age.

3.3 Any person who shall bring in or cause to be brought in to the Township of Chatham any cat licensed in another state for the current year and possessing a registration tag, and who shall keep the same or permit the same to be kept within the Township of Chatham for a period of more than 90 days shall immediately apply for a license and registration tag for each such cat. Any person who shall bring in or cause to be brought in to the Township of Chatham any unlicensed cat from another state and who shall keep

the same or permit the same to be kept within the Township of Chatham for a period of more than ten (10) days shall immediately apply for a license and registration tag for each such cat.

3.4 The current valid license of a cat brought into the Township of Chatham from another municipality shall remain in effect until its expiration date, as issued by the foreign municipality. Thereafter, any owner of a cat shall have ten (10) days following expiration of said license, to apply to the Township of Chatham for a new license and registration tag.

3.5 The license application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of a long or short-haired variety. The name and street address of the owner of such cat shall also be provided.

3.6 License forms and official tags shall be furnished by the Animal Licensing Clerk and shall be numbered sequentially and shall bear the year of issuance and the name of the municipality.

3.7 The Animal Licensing Clerk shall not issue a license and registration tag for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine, as provided by Section 2. of this Ordinance. The rabies inoculation shall be administered by a duly licensed veterinarian permitted by law to do the same.

3.8 A license shall be issued after payment of an annual fee of \$8.00 for each cat that is spayed or neutered and an annual fee of \$11.00 for each cat that is not spayed or neutered. Persons who fail to obtain a license as required within the time period specified in this section shall be subject to a late fee of \$5.00.

3.9 If a cat license tag has been misplaced or lost, the Animal Licensing Clerk may issue a duplicate registration tag for the particular cat for a fee of \$5.00.

3.10 Proof of cat licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any health official, police officer, animal control officer or other authorized person.

3.11 Any person who violates or fails or refuses to comply with the provisions of this Ordinance shall be liable for a penalty not less than \$25.00 and not more than \$500.00. Each day that a violation of or failure or refusal to comply with the provisions of this Ordinance shall constitute a separate offense.

3.12 If the provision of any section of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not effect or invalidate the remainder of any such section, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

3.13 All other provisions of the said ordinance shall remain in full force and effect.

3.14 All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

3.15 Each and every provision relating to the inoculation of cats against rabies contained in Ordinance BH-2-90 adopted on April 10, 1990 by the Board of Health of the Township of Chatham, in the County of Morris, State of New Jersey, is hereby repealed and rescinded.

#### 4. Effective date.

4.1 This ordinance shall take effect on January 1, 2008.

The Board discussed briefly whether to remove the cost for the duplicate tag from the ordinance since presently the dog ordinance does not require a fee for a duplicate tag. The Board decided to leave it in the ordinance. Mr. Brown reviewed the requirement for the rabies vaccine relative to the issuance of the license and explained the rabies clinic is held in November. Mr. Nachtigal

mentioned rabies clinics are offered almost every month at some location in Morris County. With regard to the penalties, Attorney Taormina advised this ordinance parallels what is in the dog ordinance. The Registered Environmental Health Specialist or other authorized person also has some discretion before issuing a summons. A brief discussion followed about the enforcement issue, whether a court appearance could be required and the range in fines. The Board also amended the ordinance to add an effective date of January 1, 2008 to allow time to properly advertise and adopt the ordinance, to obtain the necessary software programs, and to publicize the new ordinance. Mr. Newby suggested advertising a notice about the cat ordinance in the newspapers or at the rabies clinic. The reminder notice that is sent out about renewing a dog license could be changed to include cat licensing as well. The Board thought this could be publicized more in the fall and on the website.

Mr. Brown moved to introduce Ordinance BH-1-07 as amended. Mr. Newby seconded the motion.

**Roll call:** Dr. Marano, Absent; Mr. Hartford, Aye; Mr. Newby, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

Public hearing will be scheduled for February 13, 2007.

### **Discussion**

Before adjourning, Mr. Brown reviewed some of the results from the 2007 Health Department cost comparisons for the Township of Chatham. Mr. Brown also noted this coming year the Emergency Management Medical Reserve Corps would need to be addressed and that a letter may need to send to residents asking for volunteers. It was noted that the notices about the septic pumping requirement would be sent out again this year. A few other issues were briefly discussed before adjourning.

Mr. Newby moved to adjourn at 9:20 p.m. Mr. Nachtigal seconded the motion and it carried unanimously.

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Joy M. Wiley  
Board of Health Secretary